

Inquiry Regarding the Entry of Verizon-Maine
Into the InterLATA (Long Distance)
Telephone Market Pursuant to Section 271 of the
Telecommunications Act of 1996

NOTICE OF INQUIRY

I. SUMMARY

In this Order, we open an inquiry into the entry of Verizon-Maine (Verizon) into the interLATA (long distance) telephone market pursuant to Section 271 of the Telecommunications Act of 1996. We also announce our plans to participate in a joint test of Verizon's operational support systems (OSS) (Joint OSS Test) with the public utilities commissions of New Hampshire, Vermont, and Rhode Island. Finally, we set forth specific procedures for interested persons to participate in this proceeding and the Joint OSS Test.

II. BACKGROUND

On September 6, 2000, Verizon notified the Commission of its intention to file an application with the Federal Communications Commission (FCC) for authority to provide interLATA service in Maine.¹ Pursuant to Section 271 of the Telecommunications Act of 1996, Verizon is required to obtain FCC approval before entering the long distance market. Also pursuant to Section 271, the FCC is required to consult with the Commission in order to verify Verizon's compliance with the 14-point competitive checklist.

III. MAINE'S 271 PROCEEDING

The Commission's role in this inquiry is limited by statute to providing the FCC with a recommendation regarding whether Verizon has complied with the 14-point competitive checklist contained in 47 U.S.C. § 271. The Commission will prepare its recommendation for the FCC based on the factual record developed in this proceeding, including the results of a third-party test of Verizon's OSS. The Commission's inquiry will not be conducted as a traditional adjudication, given our statutorily limited consultative role. Consequently, no rights of appeal will arise from the Commission's procedures or final report. Those rights arise from the FCC's determinations and must be pursued in a federal forum. The procedures we adopt are based on similar procedures already used in New York and Massachusetts.

¹Verizon simultaneously informed the New Hampshire, Vermont, and Rhode Island commissions of its intention to file for section 271 approval in their states as well.

While we are opening this proceeding now so that we can develop a service list for use in the Joint OSS Test, we do not expect to take any action for approximately one month. Specifically, we anticipate that in late November Verizon will file its compliance filing, a series of affidavits and supporting documents showing compliance with each of the checklist items. Thus, we intend to hold an initial case conference in early December to determine the specific schedule for this proceeding.

IV. JOINT OSS TESTING

Recently, the Massachusetts Department of Telecommunications (DTE) completed its examination of Verizon's compliance with the 271 checklist. As part of its investigation, the DTE hired KPMG Consulting to conduct an independent third-party test of Verizon's OSS systems.² Verizon has asserted to the Maine, New Hampshire, Rhode Island and Vermont commissions (New England commissions) that the OSS used and tested in Massachusetts are the same as those that will be used in the four New England states. Thus, in early September 2000, Verizon proposed that the four New England commissions conduct a joint OSS test that would confirm that the systems are the same.

The four commissions have worked together over the past month to determine whether such a joint test is feasible and, if so, whether it is desirable. The four commissions have now agreed that joint testing is both feasible and desirable, given the amount of resources needed to conduct OSS testing. The New England Conference of Public Utilities Commissioners, Inc. (NECPUC) has begun contract negotiations with KPMG for the provision of a joint third-party test of Verizon's New England OSS.

We expect full participation in this process by competitive local exchange carriers (CLECs) and other interested participants from all four states. To facilitate such participation, the four states have created a website where important documents and notices will be posted and will develop an electronic service list that will be used exclusively for the Joint OSS Test. We invite and encourage all Maine CLECs and interested persons to participate in the Joint OSS Test. There will be no separate OSS testing in Maine. To the extent that Maine CLECs have specific interests relating to OSS testing, they must present those interests through the Joint OSS Test process.

The Joint Test will be managed by a Project Management Committee consisting of both a Commissioner Management Committee (one commissioner from each state) and a Staff Oversight Committee (one staff representative from each state). There will also be a Project Coordinator who will oversee the day to day operations of the Project and facilitate communication among the participants, the states, and KPMG. We expect there will be weekly conference calls with CLECs and other participants as well as monthly meetings (likely to be held in New Hampshire) to review the status of the project and any concerns or problems relating to the OSSs and their testing.

²The results of that test are contained in a 750-page document available on the DTE's website www.magnet.state.ma.us/dpu/.

We recognize that this process does not follow our usual procedures. However, we believe there are efficiencies to be gained by pooling staff resources for a joint test as well as substantive benefits to be realized by the participation of CLECs from all of New England. We encourage all interested participants to participate in the Joint OSS Test.

V. NOTICE OF PARTICIPATION

Any person interested in participating in this proceeding, the Commission's general 271 proceeding and/or the Joint OSS Test, must file a brief (1-2 pages) letter with Dennis Keschl, Administrative Director, Public Utilities Commission, 242 State Street, Station #18, Augusta, ME 04333 by **October 27, 2000**. The letter must:

1. State with specificity the person's interest;
2. State whether the person expects to file testimony in Maine's proceeding;
3. State whether the person wants to be placed on the Joint OSS Test electronic service list; and
4. Give the person's name, address, phone number, fax number and e-mail address (essential for Joint OSS Test participation) so that we may contact him or her.

Any party wishing to participate in the Joint OSS Test should also e-mail a copy of their letter to Trina Bragdon at Trina.M.Bragdon@state.me.us as soon as possible. The Commission will create and publish a service list for both its proceeding and the Joint OSS Test shortly thereafter.

VI. TENTATIVE SCHEDULE FOR JOINT OSS TEST

KPMG currently expects to provide a draft Master Test Plan (MTP) to the New England commissions by the end of the month. We will then post the draft MTP on the Joint OSS Test website (<http://janus.state.me.us/mpuc/necpucoss.htm>) and solicit written comments from all interested parties. (All parties will be notified electronically that the MTP has been posted.) A joint technical conference will be scheduled in early November at a location in New Hampshire that will be determined in the near future. KPMG will be present at the conference and will take comments and questions from interested participants regarding the draft MTP. There will also be a discussion of the process and procedures that will be followed during the Joint OSS Test and the expected testing schedule.

Accordingly, we

ORDER

1. The Administrative Director to send copies of this Notice to:
 - a. all certified CLECs in the State of Maine; and
 - b. all persons on the Commission's service list in Docket No. 99-871.

Dated at Augusta, Maine, this 18th day of October, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR:

Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.